

STATEMENT BY JAMES T. CURTIS, JR., DIRECTOR, MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION, BEFORE THE HOUSE INTERSTATE AND FOREIGN COMMERCE SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE, TUESDAY, FEBRUARY 24, 1976

Mr. Chairman and Members of the Subcommittee:

I am James T. Curtis, Director of the Materials Transportation Bureau. I appreciate this chance to speak with you about the Department of Transportation's experience under the Hazardous Materials Transportation Act of 1974. The Materials Transportation Bureau is fortunate to be able to rely on the Hazardous Materials Transportation Act as a basis for its continuing safety efforts. The Act provides expanded authority to deal with the constantly increasing variety and quantity of hazardous materials moving in commerce as well as providing a clear restatement of previously existing authority. We are well along in implementing the Act and believe that it is performing a valuable service in the maintenance of an acceptable level of safety in the transportation of hazardous materials.

At the time that Act became law on January 3, 1975, the responsibilities and authority of the Secretary of Transportation relating to the transportation of hazardous materials were widely delegated within the Department between the modal administrations and the Office of the Secretary. This diversity of responsibility for various facets of the Department's governance of hazardous materials transportation was a matter of concern even before passage of the Act. The Act made it feasible to centralize hazardous materials responsibility and led to establishment of the Materials Transportation Bureau on July 1, 1975.

The Bureau, conceived as a line organization within the Department on the level of an operating administration, is responsible for seeing that hazardous materials which move in commerce move safely. It consists of two organizational elements: The Office of Pipeline Safety Operations,

which oversees the safety of both gas and liquid pipelines, and the Office of Hazardous Materials Operations, which is responsible for insuring safety in the transportation of hazardous materials by other modes of conveyance. Essentially, the Bureau exercises the Secretary's authority over intermodal hazardous materials functions, and over issuance of hazardous materials regulations and exemptions from those regulations (except regulations governing certain hazardous materials carried on board vessels).

Hazardous materials responsibilities that are exclusive to each individual mode, primarily inspection, compliance and enforcement functions, are carried out by the modal administrations within the Department. The Bureau pursues its safety mission through activities that are based on a continuing evaluation of all aspects of the handling of hazardous materials. The Bureau and the modal administrations conduct and participate in frequent industry seminars, and distribute substantial volumes of informational publications, to insure wide familiarity with existing and new requirements applicable to packaging and carriage of hazardous materials. Reports of incidents involving hazardous materials that occur in transportation, which are required to be filed by carriers, are examined for early identification of developing problem areas. The Bureau is also involved in various transportation planning, research and development activities. Recently, we have been examining the feasibility of establishing independent laboratory facilities in order to classify materials and determine if they may be safely introduced into commerce. This action is

based on section 109(d)(1) of the Act, which as you know directs the Secretary to establish and maintain facilities and technical staff sufficient to provide, within the Federal Government, the capability of evaluating risks connected with the transportation of hazardous materials.

The Federal Railroad Administration provides one example of a modal administration that still shares hazardous materials responsibilities with the MTB. The Department's regulations dealing with such matters as design of cars carrying hazardous materials were published by the FRA alone prior to establishment of the MTB. Under existing delegations, however, actual issuance of regulations of that nature, to the extent that car design is related to the hazardous cargo to be carried, would be by the MTB, after coordinated development of the regulation by both agencies. Both FRA and MTB are currently examining possible safety improvements in cars which carry hazardous materials, such as use of shelf couplers and use of thermal coatings. Such measures as these, jointly developed by both agencies, as they mature into regulatory proposals, will be issued by the MTB and will represent the expertise and cumulative experience of both agencies. After a regulation becomes effective, FRA then oversees compliance by inspection of hazardous materials shipments and by processing, where necessary, enforcement actions against violators.

I now should like to draw your attention to the Administration's proposed hazardous materials authorization bill which was transmitted to the Speaker of the House on January 22nd of this year. The bill will amend Section 115 of the Act to authorize appropriations of \$7,000,000 for each of fiscal years 1977 and 1978. In the past, the Department has proposed that

authorizations for this program be provided on a basis that would allow appropriations to be made in such amounts as required to carry out our responsibilities under the Act. However, in view of the desire of the Congressional Committee to authorize specific annual amounts, the Administration bill proposes that authorizations for hazardous materials activities be extended for two years at the level of \$7,000,000, which is the amount Congress authorized for fiscal year 1976. While the proposed levels in the bill exceed the amount recommended in the President's budget for fiscal year 1977, we believe those levels are appropriate and will provide sufficient latitude to meet any foreseeable program needs.

The bill also proposes two clarifying amendments to the Hazardous Materials Transportation Act. An amendment to section 106 is proposed that will strike the word "extremely" from subsection 106(c). Section 106, as it was passed by the Senate, limited the requirement of registering with the Department of Transportation to shippers and carriers of, and manufacturers of containers for, "extremely" hazardous materials. The Conference Committee rejected this limitation and deleted the word "extremely" at several places in section 106 but apparently overlooked subsection 106(c), leaving an internal inconsistency.

A second amendment will adjust subsection 107(a) of the Act to make it clear that the Secretary's authority to grant exemptions extends to manufacturers of hazardous materials containers, as well as to shippers and carriers. This change is consistent with the rest of the Act, which makes all three - shippers, carriers and container manufacturers - subject to the Secretary's safety authority.

This completes my statement, Mr. Chairman. I would be happy to answer any questions the Subcommittee may have.

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